

Oct 02, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GEOFFREY ROBERT LAWSON,
SR.,

Plaintiff,

v.

DAN PACHOLKE; ELDON VAIL;
ISRAEL ROY GONZALES;
BRANDON WELLS; MARTHA
HAYES; TAMERA AVERY; LORI
WONDERS; JOHN DOES 1-10;
PAUL BARKER; BONNIE
LONGINO; H. HERNANDEZ; LT. D.
BUSS; LT. M. MARRY; CC2
JORDAN; BERNARD WARNER;
RACHEL SHOOK; and TRACY
STUENKEL,

Defendants.

No. 2:16-CV-00361-SMJ

**ORDER DENYING MOTION FOR
PRELIMINARY INJUNCTION**

Before the Court, without oral argument, is Plaintiff Geoffrey Robert Lawson, Sr.'s Motion for Preliminary Injunction, ECF No. 82. Plaintiff seeks a preliminary injunction "enjoining and restraining Defendants from denying Plaintiff access to withdraw funds from his mandatory savings account held by D.O.C. in order to serve process on a defendant related to his conditions of confinement." *Id.* at 2. Having reviewed the pleadings and the file in this matter,

1 the Court is fully informed and denies Plaintiff's motion.

2 **I. BACKGROUND**

3 Plaintiff brings a 42 U.S.C. § 1983 claim against Defendants, alleging that
4 they violated his First and Fourteenth Amendment rights to access the courts by
5 prohibiting him from accessing the law library, obtaining compact discs (CDs) from
6 non-approved vendors, and possessing a personal laptop. ECF No. 23.

7 **II. LEGAL STANDARD**

8 "Preliminary injunctions are an 'extraordinary remedy never awarded as of
9 right.'" *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (quoting *Winter v.*
10 *Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008)). To obtain a preliminary
11 injunction, a plaintiff must demonstrate that "(1) [he] is likely to succeed on the
12 merits of [his] claim, (2) [he] is likely to suffer irreparable harm in the absence of
13 preliminary relief, (3) the balance of hardships tips in [his] favor, and (4) a
14 preliminary injunction is in the public interest." *Int'l Franchise Ass'n v. City of*
15 *Seattle*, 803 F.3d 389, 399 (9th Cir. 2015) (citing *Winter*, 555 U.S. at 20).

16 Whether the plaintiff is likely to succeed on the merits is a threshold inquiry;
17 when a plaintiff fails to show the likelihood of success on the merits, a court need
18 not consider the remaining elements. *Garcia*, 786 F.3d at 740.

19 Additionally, courts face further restrictions when a civil action involves a
20 prisoner plaintiff seeking preliminary injunctive relief against prison officials with

1 respect to prison conditions:

2 Preliminary injunctive relief must be narrowly drawn, extend no further
3 than necessary to correct the harm the court finds requires preliminary
4 relief, and be the least intrusive means necessary to correct that harm.
The court shall give substantial weight to any adverse impact on public
safety or the operation of a criminal justice system caused by the
preliminary relief. . . .

5 18 U.S.C. § 3626(a)(2). This statute “operates simultaneously to restrict the equity
6 jurisdiction of federal courts and to protect the bargaining power of prison
7 administrators—no longer may courts grant or approve relief that binds prison
8 administrators to do more than the constitutional minimum.” *Gilmore v. Cal.*, 220
9 F.3d 987, 999 (9th Cir. 2000).

10 **III. DISCUSSION**

11 Plaintiff informs the Court that in the state action he initiated on August 27,
12 2018, Plaintiff was directed to serve on the defendants a copy of the Case
13 Assignment Notice, the summons, and the complaint. ECF No. 82 at 3. He
14 submitted a Mandatory Savings Account Access form to his prison counselor,
15 requesting that a check be made payable to the Thurston County Sheriff’s
16 Department to effect service. *Id.* at 4. However, his request was denied, and Plaintiff
17 alleges that he cannot serve the defendants in that lawsuit without such funds. *Id.*
18 He further alleges that the defendants keep him in a “perpetual state of poverty” due
19 to their mandatory deduction scheme that prevents him from accumulating the funds
20 necessary to effect service. *Id.* at 5.

1 Defendants respond that the Court does not exercise jurisdiction to provide
2 injunctive relief because Plaintiff seeks injunctive relief based on claims not
3 pleaded in the complaint. ECF No. 83 at 5. Indeed, a preliminary injunction is only
4 appropriate to grant relief of the “same character as that which may be granted
5 finally.” *De Beers Consol. Mines v. United States*, 325 U.S. 212, 220 (1945). A
6 court may not issue an injunction in “a matter lying wholly outside the issues in the
7 suit.” *Id.* In other words, a plaintiff must show a relationship, or nexus, between the
8 injury claimed in his motion for injunctive relief and the conduct asserted in the
9 underlying complaint. *Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr.*, 810
10 F.3d 631, 635 (9th Cir. 2015).

11 Here, even while the Court construes liberally Plaintiff’s motion, *see Karim-*
12 *Panahi v. L.A. Police Dep’t*, 839 F.2d 621, 623 (9th Cir. 1988), the factual
13 allegations in Plaintiff’s motion have no nexus to the factual allegations underlying
14 his rights-to-access claim in violation of the First and Fourteenth Amendments.
15 Specifically, Plaintiff makes no showing that Defendants’ “mandatory deduction
16 matrix,” which allegedly prevents him from having enough funds to effect service
17 in another lawsuit, is related to the facts in this case. And, the relief that could be
18 granted in this case would not redress the allegations underlying Plaintiff’s motion.

19 Accordingly, the Court lacks jurisdiction to decide Plaintiff’s motion. Even
20 if the Court were to find a tenuous nexus, Plaintiff is unlikely to succeed on the

1 merits, as Plaintiff fails to show how or why Defendants' mandatory deductions
2 from his account are unconstitutional.

3 **IV. CONCLUSION**


4 For the foregoing reasons, the Court denies Plaintiff's motion.

5 Accordingly, **IT IS HEREBY ORDERED:**

6 Plaintiff's Motion for Preliminary Injunction, **ECF No. 82**, is
7 **DENIED.**

8 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
9 provide copies to counsel and to Plaintiff.

10 **DATED** this 2nd day of October 2018.

11 
12 **SALVADOR MENDOZA, JR.**
United States District Judge